
REASONS

For Valuing

YOUGHIL,

According to Act of Parliament for Provision of
Ministers in Cities and Towns Corporate, &c. 17, 18.
Car. 2d.

The Case Stated.

Above 60 years ago, the Parish or Wardenry of *Toughil* was annexed to the See of *Cloyne*, to augment its Revenue, which was very small. The Tyth of *Toughil* is about 44 *l. per annum*, out of which a third part, or half, and all the small Dues, have been allowed the Curate for officiating. The Glebe, and two Houses amount to almost 35 *l. per annum*, in all 79 *l.*

The Corporation and their Agent, say 'tis 200 *l. per annum*, and in their Petition to the Council, 150 *l. per annum*.

For peace sake, the whole Parish has been offered them, if they will pay 100 *l. per annum* to the Bishop, and 50 *l.* to the Curate, besides the small Duties; and to make the Incumbent, who has the actual Cure of Souls 150 *l.*, [the least a worthy man can have for the discharge of so great a Cure.] The Bishop will implore the Governments assistance, and will add the first convenient Living in his Donation: All which being Rejected by the Corporation, a valuation of the Houses, is humbly craved for the Incumbent, who has actual Cure of Souls, according to the Statute;

For these Reasons,

First, The Title, 'tis an Act for provision of Ministers in Cities and Towns Corporate, &c. without exception of *Toughil*, or any Town Corporate whatever, by adding a charge on each House and Houses in each Parish, &c. as in the Act.

Secondly, The Preamble of the Act gives the Reason or Motive, why Houses were to be charged, viz. *Whereas in Cities and Towns Corporate, there are small or no Tyths or other Duties, &c. Whereas* is a Note of Concession, and takes for Granted; which shews undeniably, that Parli-

ment was fully satisfied there was *small* **provision** for Ministers, in Cities, &c. or an Act would not have been made to charge each *House* and *Houses* in each *Parish* respectively, without **Exception**. All Enquiry therefore, whether Ministers had **provision** in *Cities and Towns Corporate*, is excluded [except into such Towns as were Incorporated since the said Act was made, whereon it could not pass its Judgment.]

Indeed, had the word been *where there are small or no Tythes, &c.* that would have necessitated Enquiry, and doubtless the Parliament would have used that word, had that been their Intention, but *whereas*, or seeing, or since, or because, *there are small or no Tythes, &c.* determines the matter, and stops all enquiry.

In *Cities and Towns Corporate*, there cannot be much Tyth or other Duties, *viz.* Marriages, Offerings, Churchings, &c. which are all the **provision** the Act mentions, and which the Parliament could not but know were too uncertain, as well as too small for Ministers **provision**.

Glebe Lands are not mentioned in the Act, we cannot think the Parliament forgot them, or did not know that they might belong to Ministers in Towns Corporate, or thought them contained in the words *other Duties*: I presume it cannot be proved by Law, or Authentick writing, or Land-Lords Leases, that *Duties* signifie *Lands*, but small Dues commonly called **Perquisites**.

The Act then mentioning, only, such Profits as did, or might arise in *Cities, &c.* and nothing else plainly, speaks its intent to be, that Cities and Towns containing much people, which require much Care and much Pains, should make provision for those who had the care of their Souls: Now there being but small or no Tythes or other Duties arising in Cities and Towns Corporate, Equity required that the Houses wherein they dwelt and got their gain [or somewhat equivalent] should be charged for **provision** for their Ministers. All the Provision in them settled by Law not being enough, and seems to have no eye on the **Glebes**, or any remote emolument, whereon possibly, not a Soul lived that required a Ministers care.

Thirdly, What Reason is there, that 3 or 400 Families [let a Minister have never so much else where] should have daily Prayers, Preaching, Catechising, and all Spirituals Sowed to them, and they Communicate nothing of their Temporalities.

Fourthly, Where is the Equity that two or three Farmers [too remote it may be to come to Church, or of principle which will not suffer them to come] should maintain Ministers for 3 or 400 Families to enjoy all the benefits of the Ministry.

Fifthly, In the body of the Act 'tis humbly conceived, *shall and may be lawful for the chief Governours and Council to allot, &c.* lays an Obligation to allot and charge, &c. Serjeant Osburn, and others [Council against the Church] own'd at the Council board, that *shall and may* was a civil Expression for must, otherwise there would be no Obligation on the Council



cil to allot any Summ in any City or Town Corporate whatever [unless they pleased] there being no imperative words but those; and then the Act, for ~~provision~~ of Ministers in Towns Corporate, might be quite construed away, and give nothing in any City or Town whatever: But certainly the Act intended something; and made the chief Governours and Council, not so much Arbitrators of the Law, whether the Clergy should have something, or nothing, by the Act, as Trustees, to maintain the rights it gives the Clergy; and 'tis not doubted but they will defend them against such who for little Interests of their own, or to ingratiate with great men would defraud them of the benefit of the Act.

Lastly, Will not refusing the establishd Ministers by Law their respective valuations in Towns Corporate [especially in the poorer sort] inable the Inhabitants more easily to contribute towards Dissenting, or Popish Ministers, which may look like encouraging Division, as granting them, must discourage it, most thinking it enough to pay once to any Ministry.

Ob.] As to the pretence of a Competency without a valuation of Houses: *First*, there is no such uncertain, and as applyed insignificant word in the Act, tho' some endeavour to have it thought there is. And if they were to determine the word, a small pittance should be a Competence for Clergy-men.

Secondly, No Act can allow of the word; it being impossible to set its bounds. Is 50 *l. per annum* a Competency for a Minister with a Wife and two or three Children? would it not be too little if he should have four or five? and may it not be too much if the Wife and Children died? Is 200 *l. per annum* the Competency? If so, the Council could not have granted Seaven valuations for St. Michan's, the first being 200 *l.* and better, nor could any Commission issue to value any Parish, or part of a Parish which is 200 *l. per annum* already. The contrary of which is evident in several Parishes in Dublin.

Thirdly, When the Charity Town Corporate Ministers must give; the Hospitality they must use; the expences for Books and Cloathing, above other Ministers; and Provision for Wives and Children are considered as they ought, 200 *l. per annum* will not extravagantly enrich them in Cities and Towns Corporate.

Ob.] As to the Allegation, why was not a valuation desired these 36 Years past.

Ans.] The King's Council [on an Order from the Board] have delivered their opinion in Writing, that that can be no bar.

Besides while Cork, Ross and Cloyn were united, there might not be so much need of a valuation.

Some might not understand their Right to a valuation, or not have opportunity of Prosecuting it; if they did,

Others

Others might dread the Costs, Pains, Journies, or Threats of opposition, &c. But chiefly, 'tis to be feared, some might have their Eyes on better preferment, so over-look'd the good of the poor See, nor would contend for it, least that should stir up some to contend against their promotion.

These may be the Reasons why scarce one Corporate Town in Ten is valued, in many of them the charge of a Patent wou'd be 10, 20, or 30 Years purchase.

Yet sure in Conscience, such Inhabitants ought to pay what the Law would have done, could it be put in Execution.

Even the Pharisee paid Tyth of all he possessed, whose Righteousness must be *Exceeded* by all those who intend to *Enter into the Kingdom of Heaven*, Mat. 5. 20.

Who Feedeth a Flock, and Eateth not of the Milk of the Flock, 1 Cor. 9. 7.

Let him that is taught in the Word, Minister to him that Teacheth in all good things, Gal. 6. 6.

'Till the Gospels of our Lord Jesus are quite exploded, these Texts must have force with all true Christians.

F I N I S

